

STEPHANIE M. HINDS (CABN 154284)
 United States Attorney
 MICHELLE LO (NYRN 4325163)
 Chief, Civil Division
 KENNETH W. BRAKEBILL (CABN 196696)
 Assistant United States Attorney
 KELSEY J. HELLAND (CABN 298888)
 Assistant United States Attorney
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-7167
 Facsimile: (415) 436-7169
 Kenneth.Brakebill@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

J.R.G., et al.,)	CASE NO. 4:22-cv-05183-KAW
)	
Plaintiffs,)	STIPULATION AND [PROPOSED] ORDER TO
)	SET BRIEFING SCHEDULE AND INCREASE
v.)	PAGE LIMITS AND TO CONTINUE CASE
)	MANAGEMENT SCHEDULE
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

WHEREAS on September 12, 2022 Plaintiffs filed their Complaint in this action;

WHEREAS on September 13, 2022, the Clerk of Court issued an Order Setting Initial Case Management Conference and ADR Deadlines that, among other things, provided deadlines for the parties' Rule 26(f) conference (November 22, 2022), their Case Management Statement (December 6, 2022) and a Case Management Conference (December 13, 2022);

WHEREAS on October 6, 2022 Plaintiffs served their Complaint on the United States Attorney for the Northern District of California;

STIPULATION AND [PROPOSED] ORDER TO SET BRIEFING SCHEDULE AND INCREASE PAGE LIMITS AND TO CONTINUE CASE MANAGEMENT SCHEDULE
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WHEREAS pursuant to Federal Rule of Civil Procedure 12(a)(2), the deadline for Defendant to answer or otherwise respond to Plaintiffs' Complaint is December 5, 2022, which is 60 days after said service on the United States Attorney;

WHEREAS Defendant intends to file a dispositive motion on December 5, 2022; and

WHEREAS the parties have conferred about (1) setting a briefing schedule for said motion to be filed by the Government on December 5, 2022 and (2) continuing the case management deadlines to occur as soon as possible after resolution the Government's motion,

Pursuant to Civil Local Rules 6-2 and 7-12, and subject to the Court's approval, the parties stipulate as follows:

(1) The parties propose the following briefing schedule:

Defendant's motion	December 5, 2022
Plaintiffs' opposition	January 12, 2023
Defendant's reply	February 1, 2023
Hearing	February 16, 2023

(2) In light of the issues raised in the Complaint, the parties respectfully request that their briefing on their responsive pleading be permitted to exceed the pages limits set forth in Civil Local Rules 7-2 and 7-3. Specifically, the parties request that Defendant be permitted 30 pages for its motion, Plaintiffs be permitted 30 pages for their opposition, and Defendant be permitted 18 pages for its reply.

(3) The parties further propose that the Court continue the case management deadlines set by the Clerk of Court prior to the service of the Complaint (*i.e.*, the Rule 26(f) conference, the filing of a Case Management Statement and a Case Management Conference) such that they would take place as soon as possible after the Court has resolved the Government's motion. In the event the Court denies the Government's motion, the parties propose the following case management deadlines:

Defendant's Answer	Due 21 days after denial of motion
Rule 26(f) Conference	To be held within 14 days of Answer
CMC Hearing	To be held within 21 days of Rule 26(f) Conference

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CMC Statement

To be filed 7 days prior to CMC hearing

IT IS SO STIPULATED.

Dated: November 9, 2022

LAW OFFICE OF JULIANNA RIVERA

By: /s/ Julianna Rivera
Julianna Rivera

NORTHWEST IMMIGRANT RIGHTS PROJECT

By: /s/ Matt Adams
Matt Adams
Aaron Korthuis

Counsel for Plaintiffs

Dated: November 9, 2022

Respectfully submitted,

STEPHANIE M. HINDS
United States Attorney

/s/ Kenneth W. Brakebill
Kenneth Brakebill
Assistant United States Attorney

Counsel for the United States of
America

ECF ATTESTATION

In accordance with Civil Local Rule 5-1(h)(3), I, Kenneth Brakebill, attest that I have obtained concurrence in the filing of this document from all other signatories listed here.

DECLARATION OF KENNETH BRAKEBILL

I, Kenneth Brakebill, declare and state as follows:

1. I am an Assistant United States Attorney for the Northern District of California and counsel for the United States of America in this action. I have personal knowledge of the matters set forth below, except those matters that are based on information and belief, which I believe to be true, and could and would testify competently to them if called to do so.

2. I submit this declaration in support of the Stipulation and [Proposed] Order to Set Briefing Schedule and Increase Page Limits and to Continue Case Management Schedule pursuant to Civil Local Rules 6-2 and 7-12.

3. Plaintiffs, consisting of an immigrant parent and child who crossed the border into Texas in May 2018, filed an 18-page complaint in this action pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680. Plaintiffs assert three separate claims for relief, including intentional infliction of emotional distress, abuse of process and wrongful child abduction. ECF No. 1.

4. The parties stipulate to and request a briefing schedule for the dispositive motion the Government plans to file on December 5, 2022 in response to the Complaint. This briefing schedule would alter the normal 35-day motion calendar to allow additional time for the parties to address the myriad issues raised in the Complaint and also accommodate the holiday schedule, by providing Plaintiffs 24 extra days for opposition and Defendant 20 extra days for reply.

5. In light of the issues raised in the Complaint, the parties also respectfully request that their briefings on any responsive pleading be permitted to slightly exceed the 25-25-15 page limits set forth in Civil Local Rules 7-2 and 7-3 for motion-opposition-reply. Specifically, the parties request that Defendant be permitted 30 pages for its motion, Plaintiffs be permitted 30 pages for their opposition, and Defendant be permitted 18 pages for its reply.

6. Because Defendant is filing a dispositive motion that could impact what issues, if any, will remain in the case for resolution, for judicial economy reasons the parties further propose that the Court continue the case management deadlines set by the Clerk of Court prior to the service of the Complaint. The parties respectfully request that the Court continue the current deadlines for the Rule STIPULATION AND [PROPOSED] ORDER TO SET BRIEFING SCHEDULE AND INCREASE PAGE LIMITS AND TO CONTINUE CASE MANAGEMENT SCHEDULE

26(f) conference (November 22, 2022), the filing of a Case Management Statement (December 6, 2022) and a Case Management Conference (December 13, 2022) to take place as soon as possible after the Court has resolved the Government's motion, in the event the Court denies the Government's motion. The parties' proposal provides for minimal delay in resuming the case schedule after the Court's ruling:

Defendant's Answer	Due 21 days after any denial of motion
Rule 26(f) Conference	To be held within 14 days of Answer
CMC Hearing	To be held within 21 days of Rule 26(f) Conference
CMC Statement	To be filed 7 days prior to CMC hearing

7. There have been no previous time modifications in the case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 9, 2022

/s/ Kenneth Brakebill

Kenneth Brakebill
Assistant United States Attorney

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED that:

1. The briefing schedule for Defendant's motion in response to Plaintiffs' Complaint shall be as follows:

Defendant's motion	December 5, 2022
Plaintiffs' opposition	January 12, 2023
Defendant's reply	February 1, 2023
Hearing	February 16, 2023

2. Defendant is permitted 30 pages for its motion, Plaintiffs are permitted 30 pages for their opposition, and Defendant is permitted 18 pages for its reply.

3. The current deadlines for the parties' Rule 26(f) conference (November 22, 2022), their Case Management Statement (December 6, 2022) and a Case Management Conference (December 13, 2022) shall be vacated pending the Court's resolution of Defendant's dispositive motion to be filed on December 5, 2022. In the event the Court denies the Government's motion, the case schedule shall resume as follows:

Defendant's Answer	Due 21 days after denial of motion
Rule 26(f) Conference	To be held within 14 days of Answer
CMC Hearing	To be held within 21 days of Rule 26(f) Conference
CMC Statement	To be filed 7 days prior to CMC hearing

DATED: _____

HON. KANDIS A. WESTMORE
United States Magistrate Judge